

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 89-64-E - ORDER NO. 89-363  
MARCH 31, 1989

IN RE: Berkeley Electric Cooperative Inc.,	)	
	)	ORDER
Complainant,	)	DENYING
vs.	)	PETITION
	)	FOR
	)	REHEARING
South Carolina Electric and Gas Company	)	
	)	
Respondent	)	
	)	

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On March 17, 1989, South Carolina Electric and Gas Company (SCE&G) Petitioned the South Carolina Public Service Commission (the Commission) for a Rehearing of its Order No. 89-166 in the above referenced docket.

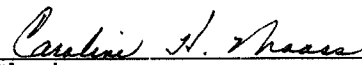
On January 27, 1989, Berkeley Electric Cooperative Inc. (Berkeley) filed a Petition for a Rule to Show Cause against South Carolina Electric and Gas Company. On February 8, 1989, SCE&G filed a filed a Motion to Dismiss Berkeley's Petition in this docket. On February 15, 1989, the Commission heard oral arguments from Counsel for SCE&G, Berkeley and the Intervenor, Electric Cooperatives of South Carolina, Inc. on SCE&G's Motion to Dismiss as well as on Berkeley's Motion for a Cease & Desist Order. By Order No. 89-166 dated February 21, 1989 the Commission denied SCE&G's Motion to Dismiss and Berkeley's Motion for a Cease & Desist Order.

SCE&G alleges that the decision of the South Carolina Supreme Court in Blue Ridge Electric Cooperative Inc. vs. City of Seneca, Opinion No. 22958, dated February 6, 1989, conclusively establishes that territorial assignment does not survive annexation and consequently Berkeley cannot have an exclusive right to serve the area in question, which has been annexed by the City of Charleston. The Commission finds that the Petition for Rehearing of SCE&G should be denied. The Commission will hold a full evidentiary hearing in order to hear all parties before ruling on this matter. The Commission wishes to hear from all parties concerning this issue.

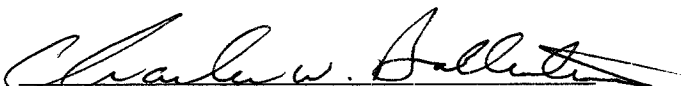
IT IS SO ORDERED:

1. That the Petition for Rehearing of Order No. 89-166 by South Carolina Electric & Gas Company is denied.
2. That this Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:

  
Chairman

ATTEST:

  
Executive Director

(SEAL)